

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NEVER TOO HUNGOVER, LLC, a
Nevada limited liability company,

Plaintiff,

v.

DRINKAID LLP, a Singapore company;
DRINKAID WELLNESS PTE. LTD., a
Singapore company; and RYAN FOO, an
individual,

Defendants.

Case No. 2:23-cv-01347-APG-EJY

ORDER

Presently pending before the Court is Plaintiff's Emergency Motion to Strike Defendants' Pleadings (ECF No. 16). Plaintiff seeks to strike Defendants' Answer and Response to the Motion for Temporary Restraining Order because Defendant has not appeared through counsel. Plaintiff's Reply in support of the Motion for Temporary Restraining Order ("TRO") is due today, October 16, 2023; hence, the emergency.

The Court understand that corporate defendant entities must be represented by counsel when appearing before the federal courts. *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) ("Corporations and other unincorporated associations must appear in court through an attorney."); *Computerized Screening, Inc. v. Lifeclinic Int'l, Inc.*, Case No. 3:09-cv-465-RCJ-WGC, 2012 WL 13069792, at *2 (D. Nev. Sept. 24, 2012) (quoting *D-Beam Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) (internal quotations omitted). However, striking Defendants' Answer and Response to Plaintiff's requested TRO is a drastic measure the Court will not grant at this time. The Court notes that no date upon which to hear Plaintiff's TRO motion has been set by the Court. Under these circumstances it is appropriate to give Defendants an opportunity to retain counsel no later than ten (10) days from the date of this Order. If no counsel has appeared for Defendants by or before that date, Plaintiff may renew its Motion to Strike.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Emergency Motion to Strike (ECF
2 No. 16) is DENIED without prejudice.

3 IT IS FURTHER ORDERED that to avoid a renewed motion to strike, Defendants **must**
4 retain counsel who **must** make an appearance on Defendants' behalf no later than **October 26, 2023**.

5 IT IS FURTHER ORDERED that if no counsel has made an appearance on behalf of
6 Defendants by 5 p.m. Pacific Time on **October 26, 2023**, Plaintiff may renew its motion to strike.

7 IT IS FURTHER ORDERED that Plaintiff must serve Defendants with a copy of this Order
8 no later than 5 p.m. today, October 16, 2023, by emailing the same to the electronic mail addresses
9 listed on the certificate of service found at ECF No. 16 at 6.

10 IT IS FURTHER ORDERED that the Court *sua sponte* grants Plaintiff an extension to
11 **October 20, 2023** to file its Reply in Support of the Motion for Temporary Restraining Order.

12 Dated this 16th day of October, 2023.

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15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE
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